

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

SPAM ARREST, LLC,

Plaintiff,

v.

LORMAN BUSINESS CENTER, INC.,

Defendant.

No.

DEFENDANT'S NOTICE OF REMOVAL  
OF ACTION UNDER 28 U.S.C. § 1441(a)

TO: THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON;

AND TO: Plaintiff Spam Arrest LLC; and Derek A. Newman and Derek Linke, its  
attorneys of record

PLEASE TAKE NOTICE that Defendant Lorman Business Center, Inc. ("Defendant")  
hereby removes the state court action described below. Removal is warranted under 28  
U.S.C. § 1441(a) because this action involves claims over which this Court has original  
jurisdiction under 28 U.S.C. § 1332.

1. The present action was commenced on January 25, 2011 by the service on CT  
Corporation System of a Summons and Complaint for Damages and Injunctive Relief  
captioned *Spam Arrest, LLC v. Lorman Business Center, Inc.*, Superior Court of Washington  
for King County (the "Complaint"). The Complaint was the initial pleading setting forth the

DEFENDANT'S NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. § 1441(a) – Page 1

CORR CRONIN MICHELSON  
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1 claims upon which this action is based. A copy of the Summons and Complaint is attached as  
2 Exhibit A to this Notice of Removal. This Notice of Removal is timely because it is filed  
3 within thirty days of service of the initial pleading upon Defendant. *See* 28 U.S.C. § 1446(b).

4         2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332  
5 because this is a civil action between citizens of different states and the amount in controversy  
6 exceeds \$75,000.

7         3. Complete diversity exists in this case. Plaintiff Spam Arrest, LLC (“Plaintiff”)  
8 alleges in paragraph 10 of the Complaint that it is a Washington limited liability company  
9 with its principal place of business in King County, Washington. Defendant is a Wisconsin  
10 corporation with its principal place of business in Wisconsin.

11         4. The amount in controversy requirement is also met. While the Complaint does  
12 not set forth a dollar amount in the prayer for relief, a reasonable person reading the  
13 Complaint would conclude that Plaintiff is seeking damages in an amount greater than the  
14 \$75,000 minimum jurisdictional amount under 28 U.S.C. § 1332(a). Plaintiff alleges that its  
15 contract with Defendant, the purported breach of which forms the basis for Plaintiff’s  
16 Complaint, provides for liquidated damages “in the amount of two thousand dollars  
17 (\$2,000.00) for each violation of this agreement.” Complaint at ¶ 26. Plaintiff further alleges  
18 that Defendant has “repeatedly” agreed to these terms and condition, yet that Defendant has  
19 “sent a significant amount of unsolicited commercial email to Spam Arrest’s customers for  
20 the purposes of promoting its services.” *Id.* at ¶¶ 32, 31. Furthermore, Plaintiff’s prayer for  
21 relief requests treble damages under Washington’s Consumer Protection Act, as well as  
22 attorneys’ fees. As such, based on the claims and allegations asserted in the Complaint, the  
23 amount in controversy exceeds \$75,000.  
24

6. This Court is the United States District Court for the district embracing the venue of the state court action being removed.

7. Notice to all parties and the Clerk of the Superior Court of Washington for King County will be served and filed pursuant to 28 U.S.C. § 1446(d).

Accordingly, all procedural requirements for removal have been satisfied and Defendant hereby removes this action to the United States District Court for the Western District of Washington, based upon diversity jurisdiction pursuant to 28 U.S.C. §§ 1332 and 1441(a).

DATED this 10<sup>th</sup> day of February, 2011.

CORR CRONIN MICHELSON  
BAUMGARDNER & PREECE LLP

s/ Anthony A. Todaro  
Anthony A. Todaro, WSBA No. 30391  
Sarah E. Tilstra, WSBA No. 35706  
Attorneys for Defendant Lorman Business  
Center, Inc.

DECLARATION OF SERVICE

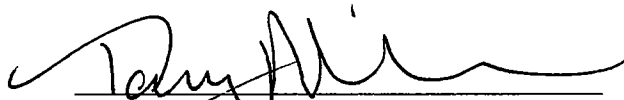
The undersigned declares as follows:

1. I am employed at Corr Cronin Michelson Baumgardner & Preece LLP, attorneys for Defendant Lorman Business Center, Inc. herein.
2. On this date, I caused true and correct copies of the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Derek A. Newman, WSBA #26967  
Derek Linke, WSBA #38314  
Newman & Newman Attorneys at Law, LLP  
1201 Third Avenue, Ste. 1600  
Seattle, WA 98101  
Phone 206-274-2800  
Fax 206-274-2801  
[Derek@newmanlaw.com](mailto:Derek@newmanlaw.com)  
[linke@newmanlaw.com](mailto:linke@newmanlaw.com)

3. I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 10<sup>th</sup> day of February, 2011 at Seattle, Washington.

  
\_\_\_\_\_  
Tammy Miller